



**KANAWHA CHARLESTON**  
**HEALTH DEPARTMENT**

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*Kanawha – Charleston Board of Health*  
*Amended Meeting Minutes*

**September 25, 2008**

**Board Members Present**

Ms. Brenda Isaac  
Mr. Robert Reishman  
Dr. Arthur Rubin  
Ms. Shannon Snodgrass  
Mr. James Strawn

**Presenting Guests**

Dr. Laura Gateley  
Ms. Lolita Kirk  
Ms. Anita Ray  
Ms. Krista Farley

**1. Call to Order – President**

**a. Moving the Board meeting to the 1<sup>st</sup> floor Multi-Media Center – motion needed**

Ms. Isaac called the meeting to order at 4:30 p.m. As required by the Board's by-laws, Ms. Isaac requested a motion to hold the meeting in the 1<sup>st</sup> floor Multi-Media Center. The motion to move the meeting was made by Mr. Strawn and seconded by Dr. Rubin. The motion passed unanimously.

**2. Mayor Danny Jones**

Mayor Jones addressed the Board and guests on the Clean Indoor Air Regulation. Mayor Jones encouraged individuals that were unhappy with the regulation to direct their venom at the Legislature and not the Board. Mayor Jones added that the Board has a charge and has met their charge. Mayor Jones thanked the Board and Department for their work. He added that he would like the Board to make sure that the Regulation is enforced.

**3. Report of the President – Ms. Isaac**

**a. Approval of the Minutes of the July 17, 2008 meeting**

A motion was made by Dr. Rubin and seconded by Mr. Strawn to approve the minutes of the July 17, 2008 meeting as written. The motion passed unanimously.

**b. Discussion regarding the enforcement of the Clean Indoor Air Regulation (CIAR)**

Ms. Isaac stated that the sanitarians have taken a lot of abuse and threats during the past few months and that she would like for them to know that the Board appreciates their efforts. Ms. Isaac also stated that the Board is appointed to protect the health of citizens of Kanawha County and that the recent revision of the CIAR was not a capricious action. Ms. Isaac added that Dr. Kerry Gateley conducted exhaustive research during the process and that it is a proven fact that second hand smoke is not only dangerous; it kills. Ms. Isaac added that the Board will not be unduly swayed by

public opinion and politics. Ms. Isaac then opened the floor for the public comment period – Section 11a.

**c. Status of Health Officer search**

Ms. Isaac reported that 10 – 12 physicians have submitted their resumes. Ms. Isaac added that the search committee has narrowed it down to 5 candidates. Ms. Isaac reported that Dr. Rubin, Mr. Weber and she conducted two telephone interviews and both went well. On Thursday, October 2<sup>nd</sup>, Ms. Isaac added that she and Mr. Strawn would telephone interview two additional candidates. Ms. Isaac added that none of the applicants are from West Virginia. After the telephone interviews are concluded, Ms. Isaac stated that two or three of the candidates will be brought to Charleston for personal interviews.

The Board acknowledged a letter received from the spouse of one of the Legionnaires cases. In the letter the patient's wife praised the professional, caring, and thorough manner in which the Department's field epidemiologist, Tonya Yablonsky, performed her duties.

**4. Report of the Interim Health Officer – Dr. Gateley**

Dr. Gateley covered the items reported in Ms. Briscoe's Clinic and Epidemiology report. Dr. Gateley informed the Board that two additional cases of Legionnaires Disease have been reported. Dr. Gateley added that none of the cases are connected and that Kanawha County.

Dr. Gateley reported that walk-in flu shot clinics at Lee Street, will begin October 14<sup>th</sup>. Dr. Gateley also reported that the Department has received its entire vaccine order.

The Board discussed the mold issues at Andrew Jackson Middle School with Dr. Gateley. Ms. Isaac stated that test show levels are higher outside than inside the school. Ms. Ray added that Mr. Robert Allen, Sanitarian, has conducted a physical plant inspection of the school and one major item noted was a leak in the roof.

**5. Report of the Administrative Director – Ms. Lolita Kirk**

**a. Financial Report**

Ms. Kirk noted that the Board would find the standard financial report in their folders.

**b. Update on recent technology issues – new computers from DHHR, revised web site**

Ms. Kirk informed the Board that the Department is receiving 25 new computers from WV Department of Health & Human Resources, to replace old equipment. Ms. Kirk also informed the Board that the feedback from the new web site has been positive.

**6. Report of the Director of Business Support Services – Ms. Marcie Myers**

**a. Patient totals**

**b. Wellness Activities/newsletter**

**c. Flu clinics**

See Health Officer report, item #4.

## **7. Report of the Director of Environmental Health – Ms. Anita Ray**

### **a. Environmental Health activity report**

Ms. Ray informed the Board that the Environmental activity report was in their packets.

Ms. Ray provided an overview of recent activity in her division with Clean Indoor Air Regulation (CIAR) enforcement. Ms. Ray reported that she and Gail Harris had performed a number of CIAR complaint investigations recently. As a result of the investigations, five complaints have been filed in Magistrate Court. The Blackhawk Saloon, McNalley's, Lisa's in Nitro and the Nitro Moose Lodge, have been cited for smoking and the Hot Spot Coffee Shop in Davis Creek, was cited for lack of signage. At the Moose Lodge, Ms. Ray added that you have to request admittance at the front desk and by the time they were admitted into the facility, people had put out their cigarettes. Ms. Ray added that the smoke was still visible and the smell from smoking was strong. Evidence was found in the trash receptacles. Ms. Ray noted that the same was observed on all three floors of the facility.

Ms. Ray added that she is sending out two inspectors at a time on the CIAR investigations. Ms. Isaac added that the Charleston Police Chief, Brent Webster, has offered the Police Department's assistance. Ms. Isaac added that she has had bar workers telephone her and say they are pleased with the Regulation and that the bars are cleaner and they (the workers) feel better.

Mr. Strawn stated that he was glad that the staff was investigating complaints and following up with legal action. He added that Mr. Miller is right, that the playing field should be level.

Ms. Isaac stated that Ms. Ray has met with the Department's attorney, Erik Engle, and with an Assistant Kanawha County Prosecutor, to discuss the prosecution of the establishments that are in violation of the CIAR.

Ms. Snodgrass asked if the methods of enforcement were the same regardless of the violation. Ms. Ray replied that the methods used for enforcement of the Food Code and the Clean Indoor Air Regulation is different. Ms. Ray added that the Department does not issue tickets or fines; that it must go through the Magistrate Court system.

Ms. Ray added that during July and August, there was a grace period to allow establishments to become accustomed to the CIAR's revision.

Mr. Reishmen stated that the consequences of continuing to violate the CIAR needs to be made clear. He added that as a result of violations, the establishments could lose their liquor licenses.

Ms. Ray informed the Board that after a decision to not fill an empty position, she is one sanitarian short. She added that she has been authorizing overtime and using part-time staff to conduct the additional work. Ms. Isaac stated that perhaps she could look over the budget with Ms. Kirk to see if the position could be restored.

Dr. Rubin asked Ms. Ray if the Department conducted any investigations as a result of a patient having a high lead blood level. Ms. Ray replied that currently, the State Health Department handles lead investigations.

**8. Report of the Director of Epidemiology – Ms. Janet Briscoe**

See Health Officer report, item #4.

**9. Report of the Director of Health Promotion – Ms. Krista Farley**

Ms. Farley noted that the Department has collaborated with the WV Department of Transportation to develop a public service announcement for flu season. Ms. Farley also noted that the Department did not receive the CDC prevention specialist.

**a. Take Your Best Shot – TYBS – Immunization Project**

Ms. Farley provided the Board with a report on the Project's latest activities. She also noted that the group is holding their next meeting on October 1<sup>st</sup>.

**b. Sissonville Wellness Project**

Ms. Farley informed the Board that the Department partnered with West Virginia Action for Health Kids and received a \$25,000 Kellogg Healthy Kids Grant to facilitate the enhancement of school wellness teams at five Sissonville area schools.

Ms. Farley informed the Board that she had attended a pre-bid conference at the Kanawha County Commission for the County's Wellness & Health Improvement Program. Ms. Farley added the staff will be evaluating the information and recommending whether the Department should bid on the contract.

Ms. Farley informed the Board that the Department will be giving flu shots at the Kanawha County Fair on Saturday, October 11<sup>th</sup>.

**10. Old Business**

**11. New Business**

**a. Public Comment Period**

The following individuals spoke regarding their concerns over the CIAR:

Cary Ellison, Blackhawk Saloon, stated that he had no venom towards the Board or staff. He added that they (the Board and staff) are doing their job. He stated that he wanted a level playing field and asked why smoking was allowed in tobacco shops and bingo halls.

LaRue Causey, St. Albans, stated that the CIAR has affected them and asked if anyone has checked the money. He cited revenue numbers from the lottery. Mr. Causey also stated that he was preparing to rebuild his establishment after it was recently destroyed by a fire.

Shelly Pratt stated they should be allowed to put a sign on the door that the facility allowed smoking.

Carlos Zorrio mentioned how the regulation in Fayette and Putnam was rescinded. He added that the regulation was causing extreme hardship. He also stated that the Board should remove the bar regulation until it is decided by the Legislature. Mr. Zorrio added how the local Moose Lodge vote is 12,000 votes on the line, and statewide it is 50,000 votes.

Christina Mickey thanked the Board of Health and stated that the Board is a leader in the State. She added that Kanawha County has the largest hospitality workforce in the State. She also stated that clean indoor air regulations are a trend all over, and that 18 countries currently have indoor air regulations.

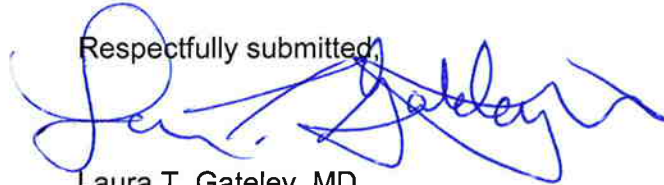
Scott Miller stated that he spoke against the regulation at the public hearings. He stated his competition is now promoting on a web site, the fact that they allow smoking. He added that this puts him at a disadvantage and that he would like a level playing field.

Chris Laverty stated that his business has dropped 35%. He added that he has a sick child and his wife doesn't work. He also added that this (CIAR) is hitting where it hurts. He stated that the Board should leave it up to the Legislature. He also asked why the legislators are allowed to smoke in their offices.

## 12. Adjournment

A motion was made by Dr. Rubin to adjourn. The Board then voted to adjourn.

Respectfully submitted,



Laura T. Gateley, MD  
Interim Health Officer